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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Date of decision: April 18, 2017
CRM-M-8842 of 2017**

Mohan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CRM-M-10500 of 2017

Ravinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Jasjeet Singh, Advocate for the petitioner(s).

Mr. A.S. Kler, DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Both these petitions are being disposed of by this common order.

This is a petition seeking grant of regular bail to the petitioners in FIR No.146 dated 04.11.2016, under Sections 306, 506 of the Indian Penal Code, 1860, registered at Police Station Kurali, District Rupnagar. The petitioners are in jail since the date of their arrest.

Heard learned counsel for the rival parties.

This Court had made an order on 22.03.2017 looking to the peculiar facts of the case, namely all the family members living in one house including the complainant-Ravinder Kaur whose husband

committed suicide, to examine the complainant-Ravinder Kaur before the trial Court on or before 18.04.2017.

Learned State counsel however, submits that after the filing of the challan, the case has been committed to the Sessions Court on 29.03.2017 and that is why the order made by this Court could not be complied with.

Fact, however, remains that the complainant-Ravinder Kaur is the star witness of the prosecution whose husband committed suicide allegedly due to the abetment on the part of the accused persons. It is not in dispute that the complainant-Ravinder Kaur is residing in the same house in which the accused persons are residing. It is obvious that if the petitioners are released on bail, there is every likelihood of tampering the evidence of the complainant-Ravinder Kaur. In that view of the matter and looking to the prima-facie case made for grant of bail pending trial, I think the interest of the prosecution can be taken care of by asking the petitioners to remain away from the house where the complainant-Ravinder Kaur is residing that is the ancestral house of the family of the petitioners at village Abhipur till the evidence of the complainant-Ravinder Kaur is recorded before the trial Court.

In that view of the matter, both these petitions are allowed. Petitioners are ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty magistrate concerned. Both the petitioners shall not enter the village Abhipur and the ancestral house

of the family where the complainant-Ravinder Kaur is residing. The trial Court shall frame the charge within 15 days from today and shall thereafter, record the evidence of the complainant-Ravinder Kaur on or before 31.05.2017 and cross-examination shall not be deferred. After the completion of examination-in-chief and cross-examination of the complainant-Ravinder Kaur, the petitioners would be entitled to apply to this Court for relaxation of the above condition about entering the Village Abhipur and the family house. The concerned SSP shall also extend the witness protection to the complainant-Ravinder Kaur if found necessary in his view.

(A.B. CHAUDHARI)
JUDGE

April 18, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No